

**Notice of Allowability**

Application No.

10/712,649

Examiner

Joseph D. Anthony

Applicant(s)

JONES, WILLIAM H.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 01/10/05.
2. ☒ The allowed claim(s) is/are 27-34 and 39-42 [renumbered as 1-2, 5-10, 3-4, 11-12].
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Warren A. Zitlau on 03/07/05.

The application has been amended as follows:

Claims 25-26, 35, 37-38 and 43 have been canceled.

2. The following is an examiner's statement of reasons for allowance: The examiner's takes has his reasons for allowance the reasons given for patentability as set forth in sections III-IV of applicant's REMARKS found with the amendment filed 01/10/2005. The key point the examiner wants to make is that applicant's allowed claims are drawn to an aqueous fire-retardant petroleum composition that comprises a petroleum polymer initially having a hydroxyl group(s), (note: these polymers are well known in the art to be very flammable), that has been subsequently crosslinked with a diammonium salt to such an extent that the resulting crosslinked petroleum polymer is an effective flame retardant, such that when the claimed aqueous petroleum composition is applied to a surface as a coating and is subsequently dried it provides

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fire retardant properties to the coated surface. The critical point here is that applicant's crosslinked petroleum polymers have the diammonium salt incorporated into the polymer by covalent bonds. The said polymer then crosslinks with itself or crosslinks with other petroleum polymers also containing diammonium salt incorporated into the polymer by covalent bonds. (Please see page 6, line 30 to page 7, line 17, and page 8, lines 25-31 of applicant's specification for a detailed discussion of this fact.).


All of the examiner's previously applied prior-art references differ from applicant's claimed invention in the critical respect that none of them teach nor suggest the actually incorporation of a diammonium salt into the polymer initially containing hydroxyl groups. Rather the prior-art teaches the use of diammonium salts only as crosslinking catalysts which are by nature not being covalently bonded to the polymer. Applicant's invention by using ammonium hydroxide as the catalyst species is able to actually incorporate a diammonium salt into the polymer itself by covalent bonding which is absolutely not occurring in the previously applied prior-art processes and compositions. Some of the previous applied and cited prior-art references also disclose the use of diammonium salts as conventional additives to polymer containing compositions since diammonium salts are well known, in their own right, as being highly effective flame-retardants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Examiner Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (703) 872-9306. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



**Joseph D. Anthony**  
**Primary Patent Examiner**  
**Art Unit 1714**

3/7/05